

### REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed on November 16, 2005. Claims 1-3, 6-16, 24, 25, 28 and 31 are rejected. In this amendment, claims 1, 24 and 28 have been amended. No new matter has been added.

The Examiner has rejected claim 1-3, 6-16, 24, 25, 28 and 31 under 35 U.S.C. 103(a), as being unpatentable over Tso et al. (hereinafter Tso) (US 6,421,733) in view of Solimene et al. (hereinafter Solimene) (US 5,828,376). Applicant amended claims 1, 24 and 28 to distinctly claim the limitations not addressed by teachings of Tso and Solimene.

Tso discloses a system for transcoding data transmitted between computers. The system provides for invocation of transcode service providers based upon a predetermined selection criterion. A selection criterion, representing a data exchange mode, may be changed by accessing a pop-up window that includes a hypertext link that may be selected by the user to download specialized client software, and a three-state switch having "ON," "OFF" and "AUTO" settings. To change a selection criterion, user presses and releases, or clicks, a mouse button while cursor is inside a popup window. To request retrieval of a content of interest while using changed selection criterion, user again clicks a mouse button, this time inside an area associated with a reference to that content, such as a hyperlink. Alternatively, user may click on the same hyperlink without first changing selection criterion; in that case, requested content will be retrieved by using previously established data exchange mode. Therefore, Tso teaches a method of using previously established data exchange mode (for

instance, one selected from the pop-up) to interpret the same user action (for instance, click on the hyperlink).

Solimene discloses a content-sensitive pop-up menu technique to provide immediate access to the menu items. Solimene teaches in col.8, lines 55-58 that “pop-up menu 74 is displayed only when the user places the mouse cursor in the grid subview 24 and depresses the right mouse button”. Solimene further teaches in col.9, lines 9-11 that “context-sensitive pop-up menu 74 is displayed until the user selects a menu item or cancels the operation by, for instance, releasing the mouse button without selecting a menu item”. Accordingly to Solimene, an action associated with the selected content item (grid subview 24) is performed only if user selects a menu item: no previously established action is performed if menu item isn’t selected. Therefore, Solimene teaches selecting or canceling user action , depending on whether the menu item is selected.

Person skilled in the prior art may combine teachings of Tso and Solimene to offer user a choice of performing previously established action by pressing and releasing left mouse button over the hyperlink, or performing a new action by pressing right mouse button over the same hyperlink and releasing it over the context menu item. In this case, context menu appears only if user already decided to modify previously established action (pressed right mouse button instead of the left one).

In contrast, present invention can be used to offer a choice of performing previously selected action by clicking left mouse button over the hyperlink, or performing a new action by pressing the same (left) mouse button over the same hyperlink and releasing it over the context menu item. In other words, present invention allows user to modify current action after it was started (user pressed left mouse button), instead of offering user to select from two

different actions – one for the previously established mode, another for selection from the context menu. Because user always starts the action by performing the same operation (pressing left mouse button), context menu always becomes visible, even if user didn't initially plan to select a different exchange mode. As a result, present invention allows user to decide whether to switch between using previously established mode and the one offered in the context menu after starting the action (for instance, by dragging cursor to a menu item instead of releasing it over the link). In this way, user can be reminded about the options available from the menu during every click on the link, making it easier both to discover the menu during the standard workflow and to use it on the regular basis.

Accordingly, neither Tso nor Solimene nor any combination of both teach or suggest the features of the present invention that are included in the following language of claim 1:

- ...determining a first data exchange mode,
- ...detecting one of a at least two user actions, first action comprising releasing the button of the cursor control device while the cursor remains inside the selectable area associated with the file reference but outside of the set, and second action comprising moving the cursor over the set and then releasing the button of the cursor control device over the second data exchange mode, different from the first data exchange mode,
- ...and if first action is detected, issuing a request to retrieve data associated with the file reference in accordance with the first data exchange mode, or,
- if second action is detected, issuing a request to retrieve data associated with the file reference in accordance with the second data exchange mode.

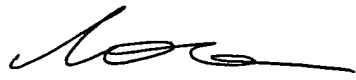
Similar language is also included in claims 24 and 28. Thus, the present invention as claimed in claims 1, 24 and 28, and their corresponding dependent claims, is not anticipated by Tso or Solimene. Accordingly, the present invention as claimed in claims 1, 24 and 28, and their corresponding claims, is patentable over the above references.

Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. 103(a), and submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eugene Lapidous at (408) 834-0633.

Respectfully submitted,

Dated: 03/10, 2007

  
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Eugene Lapidous